

TITLE X. ATTORNEYS

Rule 74. Admission to Practice*

(a) Qualifications. An attorney of good moral character who has been admitted to practice before the Supreme Court of the United States, the highest court of any state, the District of Columbia, a territory or possession, any United States court of appeals, or any United States district court, and is in good standing therein, may be admitted to practice before this court.

(b) Procedure.

(1) An applicant for admission shall file with the clerk a completed application, on the form shown in Form 10 of the Appendix of Forms, to be provided by the clerk.

(2) The applicant shall be admitted either (A) upon oral motion by a member of the bar of this court or of the Supreme Court of the United States, before a judge of this court who will administer the following oath:

I, _____, do solemnly swear (or affirm) that I will faithfully conduct myself as an attorney and counselor at law of this court uprightly and according to law, and that I will support the Constitution of the United States, so help me God.

or (B) upon the filing of a certificate of a judge or of the clerk of any of the courts specified in subdivision (a) of this rule stating that the applicant is a member of the bar of such court and is in good standing therein.

(3) The applicant shall pay to the clerk a fee of \$50, and shall be entitled to a certificate of admission. The clerk, as trustee, shall deposit the fee in a special account in a bank designated by the court and shall make expenditures from the special account as directed by the court.

*An attorney admitted to practice before the United States Customs Court shall be deemed to be admitted to practice before the United States Court of International Trade.

(c) Admission of Foreign Attorneys. An attorney, barrister, or advocate who is qualified to practice at the bar of the court of any foreign state which extends a like privilege to members of the bar of this court may be specially admitted for purposes limited to a particular action. The applicant shall not, however, be authorized to act as attorney of record. In the case of such an applicant, the oath shall not be required and there shall be no fee. Such admission shall be granted only on motion of a member of the bar of this court.

(d) Pro Hac Vice Applications. An attorney who is eligible for admission to practice under subdivision (a) of this rule, and who has been retained to appear in a particular action by a legal services program may, upon written application and in the discretion of the court, be permitted to specially appear and participate in the particular action. A pro hac vice applicant shall state under penalty of perjury (i) the attorney's residence and office address, (ii) the court to which the applicant has been admitted to practice and the date of admission thereof, (iii) that the applicant is in good standing and eligible to practice in said court, (iv) that the applicant is not currently suspended or disbarred in any other court, and (v) if the applicant has concurrently or within the year preceding the current application made any pro hac vice application to this court, the title and the number of each action wherein such application was made, the date of the application, and whether or not the application was granted. If the pro hac vice application is granted, the attorney is subject to the jurisdiction of the court with respect to the attorney's conduct to the same extent as a member of the bar of this court, and no application fee is required.

(e) Disbarment or Other Disciplinary Action.

(1) Initiation of Proceedings. When a certificate is received from the clerk of any court, or a complaint supported by an affidavit filed with the clerk of this court, setting forth any of the following facts concerning a member of the bar of this court:

(A) that he has resigned from the bar of the Supreme Court

of the United States or any other federal court, or from any court of record of any state, territory, or possession;

(B) that he has been disbarred, suspended from practice or censured in the Supreme Court of the United States or any other federal court, or in any court of record of any state, territory, or possession;

(C) that he has been convicted of a crime involving moral turpitude; or

(D) that he has been guilty of dishonest or unethical conduct; the clerk of this court shall forthwith deliver such certificate or complaint to the chief judge of this court.

(2) Sufficiency. The chief judge shall preliminarily examine such certificate or complaint and rule upon its sufficiency prima facie. If the chief judge deems the facts insufficient on their face to warrant disciplinary action, the chief judge shall so advise the complainant and the attorney named.

(3) Investigation and Prosecution. Where the certificate or complaint is deemed sufficient prima facie, the chief judge shall appoint a committee, consisting of three members of the bar of this court, to which the certificate or complaint shall be referred. It shall then be the duty of the committee to investigate the facts involved in such resignation, disbarment or suspension from practice or other facts alleged in the certificate or complaint. If, in the committee's judgment, probable cause for disbarment, suspension, or disciplinary action exists, it shall then be the duty of the committee to proceed against the attorney by an order signed by the chief judge setting forth the charges against the attorney and requiring the attorney, within 30

days after service of the order upon the attorney by delivery or by registered or certified mail, return receipt requested, to show cause as to why disciplinary action should not be taken.

(4) Appearance. The attorney named in the order to show cause may appear in person and may be represented by an attorney and shall have the right to file any answer which, in the attorney's opinion, the proceedings may warrant.

(5) Hearing and Report. The chief judge shall designate three judges of the court who shall hear the matter, after due notice to the attorney named in the order, and who shall then report their findings of facts and conclusions of law together with their recommendations to the full court.

(6) Action by the Court. The full court, after consideration of the record, may enter an order disbarring, suspending or otherwise disciplining such member of the bar, or dismissing the proceedings, or making such other disposition of the case as may be warranted by the record.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Mar. 25, 1998, eff. July 1, 1998.)